

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,

Case No.: 3:11-cr-00386-HA
3:08-cr-00165-HA

Plaintiff,

ORDER

v.

ANDREW LAUD BARNETT,

Defendant.

HAGGERTY, District Judge:

Defendant is currently confined at the Multnomah County Detention Center serving a prior state court sentence. While incarcerated at the Multnomah County Detention Center, and after being indicted in this court for mailing threatening communications, defendant has continued to mail several letters to the court which contain threatening statements to members of the court or have disrupted the function of the court.

As a general rule, prisoners retain those First Amendment rights not inconsistent with their status as prisoners or with the legitimate penological objectives of the corrections system. *Pell v. Procunier*, 417 U.S. 817, 822 (1974). Limitations may be placed on a prisoner's outgoing

mail privileges if the limitation in question (1) "furthers an important government interest unrelated to the suppression of expression," and (2) is "no greater than necessary or essential" to protect the government interest involved. *Procurier v. Martinez*, 416 U.S. 396, 413 (1974), overruled on other grounds by *Thornburgh v. Abbott*, 490 U.S. 401, 413-14 (1989). Outgoing mail which might violate postal regulations, e.g. threats, blackmail, or contraband, may be disallowed. *Id.* at 414 n.14.

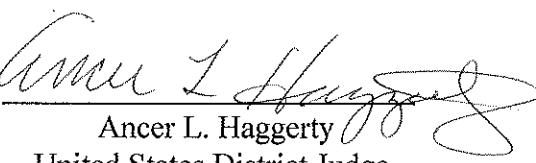
Because defendant has persisted in sending threatening letters to the court, IT IS ORDERED that personnel of the Multnomah County Detention Center shall confiscate any outgoing mail submitted by defendant during the period of his incarceration in the custody of the Multnomah County Sheriff, and shall forward said mail, unopened, to defendant's counsel, J. Henry Langer, Attorney at Law, 1698 Liberty Street, SE, Salem, Oregon 97302.

IT IS FURTHER ORDERED that the Clerk of the Court is directed to forward any mail received from defendant with a return address indicating his continuing incarceration in the custody of the Multnomah County Sheriff, to defendant's counsel, J. Henry Langer.

IT IS FURTHER ORDERED that the U.S. Marshal's Service shall serve a copy of the Order to the appropriate officials at the Multnomah County Detention Center.

IT IS SO ORDERED.

DATED this 1 day of May, 2012.


Ancer L. Haggerty
United States District Judge